



General Assembly

January Session, 2019

Raised Bill No. 1110

LCO No. 6532



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING INMATE CLAIMS THAT ARE FILED WITH THE OFFICE OF THE CLAIMS COMMISSIONER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-165b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) Any inmate, as defined in section 18-84, who suffers an injury
4 may file a claim against the state. Such claim shall be heard and
5 decided in accordance with the provisions of this chapter, provided no
6 such claim shall be presented to the Office of the Claims Commissioner
7 until the inmate has exhausted all administrative remedies provided
8 by the Department of Correction. Notwithstanding the provisions of
9 this subsection, the legal representative of the estate of an inmate may
10 present to the Office of the Claims Commissioner a claim against the
11 state prior to having exhausted any administrative remedy provided
12 by the Department of Correction.

13 (b) In addition to the information required by section 4-147, an
14 inmate's notice of claim shall include a description of the

15 administrative remedies that have been exhausted. An inmate shall
 16 present such claim to the Office of the Claims Commissioner not later
 17 than one year after the date on which the inmate exhausted all
 18 administrative remedies.

19 (c) An inmate, his or her legal representative or the legal
 20 representative of the estate of an inmate, who has filed a claim with the
 21 Office of the Claims Commissioner in connection with a fatal injury
 22 suffered by the inmate while incarcerated or an injury that resulted in
 23 the inmate suffering a permanent disability while incarcerated, may
 24 receive all personnel, protocol or policy reviews, medical files, medical
 25 reviews, corrective action plans or summary reports in the possession
 26 of the Department of Correction that are relevant to such claim, upon
 27 the request of the inmate or his or her legal representative. The Claims
 28 Commissioner, pursuant to section 4-157, may adopt rules of
 29 procedure necessary to carry out the provisions of this subsection.

30 [(c)] (d) The Claims Commissioner may not grant a waiver of the
 31 filing fee prescribed in section 4-147 to an inmate when, on three or
 32 more prior occasions, the inmate filed with the Office of the Claims
 33 Commissioner a claim that was dismissed on grounds that it was
 34 frivolous, duplicative, malicious or otherwise failed to state a claim
 35 upon which relief could be granted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	4-165b

Statement of Purpose:

To provide for the fair and equitable adjudication of a claim filed by or on behalf of an inmate for death or permanent injuries suffered while incarcerated at an institution or facility of the Department of Correction.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]